

WI, to Mumbai, India, millions of people across the world are taking Senator Nelson's legacy to heart. They are volunteering tomorrow and this weekend to conserve the environment whether it is in their backyard, local river, or park.

I hope that on this Earth Day 2005, the Congress will re-dedicate itself to achieving the bipartisan consensus on protecting the environment that existed for nearly 2 decades. The Clean Water Act, for example, passed the Senate in 1971 by a vote of 86-0. When President Nixon vetoed it, the Senate overrode his veto, 52-12. The Endangered Species Act, which is under such attack right now, was passed by the Senate on a 92-0 vote in 1973.

Unfortunately, in recent years we have faced numerous proposals to roll back the environmental and health and safety protections upon which Americans depend. From clean water to clean air, the list of environmental rollbacks is stunning and disturbing. We need to work together to protect the environment, not revert to the times when we saw the Cuyahoga River catch fire, when at least one of the Great Lakes was considered "ecologically dead," and when dumping of toxic wastes into rivers was standard operating procedure.

Gaylord Nelson stated on the 30th Anniversary of Earth Day:

We have finally come to understand that the real wealth of a nation is its air, water, soil, forests, rivers, lakes, oceans, scenic beauty, wildlife habitats, and biodiversity. Take this resource away, and all that is left is a wasteland. That's the whole economy. That is where the economic activity and all the jobs come from. These biological systems contain the sustaining wealth of the world.

As we continue to degrade them, we are consuming our capital. And in the process, we erode our living standards and compromise the quality of our habitat. We are veering down a dangerous path. We are not just toying with nature; we are compromising the capacity of natural systems to do what they need to do to preserve a livable world.

Last night, Senator Nelson issued a statement to mark the 35th anniversary of Earth Day and calling Earth Day 2005 "a wake up call." Senator Nelson said:

On environmental issues, our intelligence is reliable. Our scientists have the facts, if we will only listen. It is a "slam dunk" that we cannot continue on our present course. But without Presidential and Congressional leadership, even an enlightened public cannot cope with the greatest challenge of our time.

I agree with this assessment, and I ask unanimous consent that the full text of Senator Nelson's 35th anniversary of Earth Day statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EARTH DAY ANNIVERSARY 2005—A WAKE UP CALL

The 35th anniversary of Earth Day is a sobering occasion. On previous anniversaries we have hailed this "new awakening" as mil-

lions around the world suddenly rose up and pledged their support for a new campaign to save the natural environment.

In 1993 American Heritage magazine called Earth Day "one of the most remarkable happenings in the history of democracy." There has been progress, of course, particularly in public awareness of the critical role environment plays in our lives and in the education and training of new environmental leaders. Environment has become a major political issue. The public is prepared to support those measures necessary to forge a sustainable society, if the President and the Congress have the vision to lead us to that goal.

Unfortunately, the President and the Congress have not stepped up to the challenge of providing national and world leadership on the environmental crisis.

In fact, on some key issues, they are actually resisting or reversing progress made in the past 30 to 40 years. And without strong, sustained leadership from the President and Congress, the urgent challenge to protect the environment and create a sustainable society cannot succeed. Theodore Roosevelt made conservation a top priority for the Republican party, and many members of his party carried that torch over the years. Recently, however, the GOP leadership has abandoned this cause.

There are many serious environmental problems confronting us. But two current environmental issues dramatize this failure of leadership—energy conservation, and population control. Both are critical to the sustainability of our society. In each case, there is not only a lack of wise national leadership but an apparent determination to turn back the clock. The surrender to special interests on these two issues makes a mockery of any claim to environmental awareness.

Egged on by the President, the Senate on March 16 sneaked into the annual budget resolution a scheme to allow drilling for oil in the pristine Arctic National Wildlife Refuge, protected in 1960 at the urging of great environmentalists such as Sigurd Olson, Justice William O. Douglas, and Wilderness Act author Howard Zahniser. The bill was signed by President Eisenhower.

This is not just a sabotage of environmental policy. It also undermines any hope for a wise energy policy. When all the evidence calls for bold steps to conserve energy and develop alternative sources, this cynical action implies that we can burn all the oil we want and just move on to the next untapped source, no matter where it might be.

We are told it may be 10 years before a very modest amount of oil could be produced from this pristine refuge. And what would it cost in real terms?

For the President to call for oil drilling in the Arctic Wildlife Refuge is like burning the furniture in the White House to keep the First Family comfortable.

Equally critical is the failure of the President and Congress to confront the issue of population control, in our own rapidly growing country and the rest of the world.

A "Rockefeller Report" in 1972, issued by the President's commission on population growth, urged the U.S. to move vigorously to stabilize our population at about 200 million as rapidly as possible. Since then our population has ballooned to 282 million, and is expected to reach 500 million between 2060 and 2070. We are heading into a century in which we will double and triple our population in a short time.

Worldwide population projections are equally chilling. A series of international conferences have called for bold action to control population growth.

Yet the United States in recent years has become an aggressive opponent of family planning programs in other countries, and

we are now facing efforts by some "new conservatives" to impose similar restrictions at home.

On previous Earth Days we have offered a solution: The President should set the standard by delivering a message to the Congress on the state of the environment, citing priorities that need to be addressed. Congress then should hold hearings on these issues. This would produce a "national dialogue" on the sustainability of our environment, and provide a roadmap to the future.

Without Presidential leadership and Congressional hearings, we cannot claim to be taking seriously the most compelling threats facing our society.

On environmental issues, our intelligence is reliable. Our scientists have the facts, if we will only listen. It is a "slam dunk" that we cannot continue on our present course. But without Presidential and Congressional leadership, even an enlightened public cannot cope with the greatest challenge of our time.—Gaylord Nelson, Washington, DC, April, 2005.

Mr. FEINGOLD. I hope that Wisconsinites and citizens across America take Senator NELSON's words to heart. I hope that they use this Earth Day to collect their thoughts and voice their opinions about the need to protect the environment and need for Congressional leadership on this issue.

Wisconsinites value a clean environment, not just for purely aesthetic or philosophical purposes, but because a clean environment ensures that Wisconsin and the United States as a whole remains a good place to raise a family, start a business, and buy a home. We understand that by protecting our environment we are protecting our economy. And, it is important on this Earth Day 2005 that we continue to fight for strong environmental laws, and we press for strong environmental leadership in Congress. Let's continue to move forward, not roll back.

TAXPAYER PROTECTION AND ASSISTANCE ACT

Mr. BINGAMAN. Mr. President, on Monday, April 18, 2005, I introduced S. 832, the Taxpayer Protection and Assistance Act of 2005.

I ask unanimous consent to have printed in the RECORD explanatory language to accompany that legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ANALYSIS OF TAXPAYER PROTECTION AND ASSISTANCE ACT

(1) LOW-INCOME TAXPAYER CLINICS

Present Law. The Internal Revenue Code (the "Code") provides that the Secretary is authorized to provide up to \$6 million per year in matching grants to certain low-income taxpayer clinics. Eligible clinics are those that charge no more than a nominal fee to either represent low-income taxpayers in controversies with the IRS or provide tax information to individuals for whom English is a second language ("controversy clinics"). No clinic can receive more than \$100,000 per year.

A "clinic" includes (1) a clinical program at an accredited law, business, or accounting

school, in which students represent low-income taxpayers, or (2) an organization exempt from tax under Code section 501(c) which either represents low-income taxpayers or provides referral to qualified representatives.

Explanation of Provision. The provision authorizes \$10 million in matching grants for low-income taxpayer return preparation clinics ("preparation clinics"). These clinics may provide tax return preparation and filing services to low-income taxpayers, including those for whom English is a second language. The authorization of \$6 million for low-income controversy clinics under present law is also increased to \$10 million.

The provision expands the scope of clinics eligible to receive preparation clinic grants to encompass clinics at all educational institutions. The provision prohibits the use of grants for overhead expenses at both controversy clinics and preparation clinics. The provision also authorizes the IRS to use mass communications, referrals, and other means to promote the benefits and encourage the use of low-income controversy and preparation clinics.

Effective Date. The provision is effective for grants made after the date of enactment.

(2) ENROLLED AGENTS

Present Law. The Secretary is authorized to regulate the practice of representatives of persons before the Department of the Treasury. Circular No. 230, promulgated by the Secretary, provides rules relating to practice before the Department of the Treasury by attorneys, certified public accountants, enrolled agents, enrolled actuaries, and others.

Explanation of Provision. The provision adds a new section to the Code permitting the Secretary to prescribe regulations to regulate the conduct of enrolled agents in regard to their practice before the IRS and to permit enrolled agents meeting the Secretary's qualifications to use the credentials or designation "enrolled agent", "EA", or "E.A.".

Effective Date. The provision is effective on the date of enactment.

(3) REGULATION OF PRACTICE BEFORE THE DEPARTMENT OF THE TREASURY

Present Law. The Secretary of the Treasury is authorized to regulate the practice of representatives of persons before the Department of the Treasury. The Secretary is also authorized to suspend or disbar from practice before the Department a representative who is incompetent, who is disreputable, who violates the rules regulating practice before the Department, or who (with intent to defraud) willfully and knowingly misleads or threatens the person being represented (or a person who may be represented). The rules promulgated by the Secretary pursuant to this provision are contained in Circular 230. Although permitted by statute, the preparation and filing of tax returns and other submissions (absent further involvement) has not been considered within the scope of these Circular 230 provisions.

Reasons for Change. In her 2003 annual report to the Congress, the National Taxpayer Advocate noted that over 55 percent of the 130 million U.S. individual taxpayers paid a return preparer to prepare their 2001 Federal income tax returns and that of the 1.2 million known tax return preparers, one-quarter to one-half are not regulated by any licensing entity or subject to minimum competency requirements. Fifty-seven percent of the earned income credit overclaims were attributable to returns prepared by paid preparers.

Tax practitioners play an important role in the tax system. While certain individuals authorized to practice before the IRS are already subject to oversight, many are not.

For those taxpayers who use a paid tax practitioner, compliance with the tax laws hinges on the practitioners competence and ethical standards. The IRS's lack of oversight over such practitioners therefore contributes to noncompliance. Further, improving the accuracy of tax returns at the front-end of the process, should reduce government burden and intrusion on taxpayers through enforcement.

Requiring regulation of individuals preparing Federal income tax returns and other documents for submission to the IRS will improve the fairness and administration of the tax system. Testing, education, ethical training, and effective oversight of enrolled preparers are critical elements to improving tax compliance.

Description of Proposal. The proposal expands the Secretary's authority to regulate representatives practicing before the Treasury to include individuals preparing for compensation Federal income tax returns and other submissions to the IRS ("enrolled preparers"). The types of practitioners authorized to practice before the IRS that are subject to oversight under regulations in effect on the date of enactment of the proposal are excluded from the regulations establishing eligibility requirements for compensated preparers (i.e., Enrolled Agents, Certified Public Accountants, and attorneys).

The Secretary of the Treasury is required to issue regulations no later than one year after the date of enactment establishing eligibility requirements for enrolled preparers to practice before the Treasury. Such regulations will require the initial registration of enrolled preparers, as well as a process for regularly renewing the initial registration. Enrolled preparers renewing their registration shall be required to establish completion of continuing education requirements in a manner set forth by the Treasury in regulations. The Secretary is expected to minimize the burden and cost on those subject to the registration requirement to the extent feasible. Thus, the Secretary is authorized to define the scope of the registration requirement in a manner that accomplishes this goal.

The proposal requires the Secretary to develop and administer an examination to establish the competency of enrolled preparers. The examination for the enrolled preparers should test the applicant's technical knowledge to prepare Federal tax returns and knowledge of ethical standards. Moreover, the examination shall be designed to include testing on technical issues with high rates of erroneous reporting, such as claims for the earned income credit. The Secretary is authorized to contract for both the development and administration of any examination. The contract authority includes allowing the Secretary to establish the parameters that the examination must meet and authorize the use of an examination that is not, however, developed or administered by the IRS. Further, efficiencies will be gained by coordinating the examination requirement with the enrolled agent exam (the Special Enrollment Examination (SEE)).

To enhance the regulation of practice before Treasury, the proposal establishes the Office of Professional Responsibility within the IRS under the supervision and direction of the Director, an official reporting directly to the Commissioner, IRS. The Director, Office of Professional Responsibility will be entitled to compensation at the same rate as the highest rate of basic pay established for the Senior Executive Service, or, if higher, at a rate fixed under the critical pay authority established under section 9503 of title 5. The proposal also authorizes the Secretary to appoint administrative law judges to conduct hearing of sanctions imposed on rep-

resentatives practicing before the Treasury and allows transparent proceedings involving practitioners to provide accountability for both the practitioners and the discipline authority (i.e., the IRS).

The Secretary may impose fees for the registration and renewal of enrolled preparers. The proposal provides that the fees paid for registration and renewal shall be available to the Office of Professional Responsibility for the purpose of reimbursing the costs of administering and enforcing rules promulgated by the Secretary regulating practice before the Treasury.

The proposal also provides that the Secretary shall conduct a public awareness campaign to encourage taxpayers to use only those professionals who establish their competency under the regulations promulgated under section 330 of title 31. The public awareness campaign shall be conducted in a manner to inform the public of the registration requirements imposed on enrolled preparers and the general requirement that preparers must sign the return and provide their registration number on the return.

The proposal increases the penalties on tax return preparers who fail to sign a return or fail to provide an identifying number on a return from \$50 to \$500 per return. In addition, amounts collected from the imposition of penalties under section 6694 and 6695 or under the regulations promulgated under section 330 of title 31 shall be directed to the Office of Professional Responsibility for the administration of the public awareness campaign. The proposal also permits the Secretary to use any funds specifically appropriated for earned income credit compliance to improve compliance with the rules regulating practice before the Treasury.

Effective date. The provision is effective on the date of enactment.

(4) REGULATION OF REFUND ANTICIPATION LOAN FACILITATORS

Present Law. The Secretary of the Treasury is authorized to regulate the practice of representatives of persons before the Department of the Treasury. The rules promulgated by the Secretary pursuant to this provision are contained in Circular 230. In general, the preparation and filing of tax returns (absent further involvement) has not been considered within the scope of these Circular 230 provisions.

The tax code also imposes penalties on persons who fail to follow various tax code requirements in the process of preparing and filing tax returns on behalf of taxpayers. Present law does not contain any provision regulating the conduct of persons who provide refund anticipation loans to individual taxpayers in connection with the filing of tax returns.

Reasons for Change. There is concern with the use of tax refunds and the IRS's direct deposit indicator acknowledgement as a means for selling refund anticipation loans to taxpayers, particularly low-income taxpayers. Requiring regulation of refund anticipation loan facilitators will increase the ability of the IRS to hold such facilitators accountable. Increasing the information that must be disclosed, both orally and in writing, to the taxpayer in connection with a refund anticipation loan will heighten taxpayer awareness of the true costs and consequences of a refund anticipation loan.

Description of Proposal. The proposal requires the annual registration of refund loan facilitators with the Secretary of the Department of the Treasury. A refund loan facilitator is any person who originates the electronic submission of income tax returns for another person and, in connection with the electronic submission, solicits, processes, or otherwise facilitates the making of

a refund anticipation loan to the individual taxpayer on whose behalf the tax return is submitted. It is intended that the Secretary, in promulgating regulations under this proposal, will require refund loan facilitators to submit an annual application that includes the name, address, and TIN of the applicant and a schedule of the applicant's fees for such year.

The proposal requires refund loan facilitators to disclose to taxpayers, both orally and in writing, that they may file an electronic tax return without applying for a refund anticipation loan and the cost of filing such an electronic return compared to the cost of the refund anticipation loan. In addition, the proposal requires refund loan facilitators to disclose to taxpayers all fees and interest charges associated with a refund anticipation loan and provide a comparison with fees and interest charges associated with other types of consumer credit, as well as fees and interest charges for similar refund anticipation loans. Refund loan facilitators also must disclose to taxpayers the expected time within which tax refunds are typically paid based on different filing options, the risk that the full amount of the refund may not be paid or received within the expected time, and additional costs the taxpayer may incur in connection with the refund anticipation loan if the tax refund is delayed or not paid.

In addition to the above disclosure requirements, refund loan facilitators must disclose to taxpayers whether the refund anticipation loan agreement includes a debt collection offset arrangement. Debt collection offsets are arrangements between refund loan facilitators and a taxpayer's creditor to offset the taxpayer's expected refund against an outstanding liability owed to the creditor. There is concern with the potential abuse of individual taxpayers through the use of such arrangements by refund loan facilitators. To discourage their use, refund loan facilitators must fully disclose to taxpayers any arrangements to offset a taxpayer's expected refund against an outstanding liability. The Secretary is authorized to require refund loan facilitators to disclose any other information deemed necessary. The provision does not preempt state laws or political subdivision thereof.

The proposal permits the Secretary to impose monetary penalties on refund loan facilitators who fail to meet the registration or disclosure requirements, unless such failure was due to reasonable cause. The penalty for failure to register is not to exceed the gross income derived from all refund anticipation loans during the period the refund loan facilitator was not registered. The penalty for failure to disclose the information required by the proposal is not to exceed the gross income derived from all refund anticipation loans with respect to which the refund loan facilitator failed to provide the required disclosure information. The proposal also permits the Secretary to disclose the name of or penalty imposed upon any refund loan facilitator who fails to meet the registration or disclosure requirements.

The proposal provides that the Secretary shall conduct a public awareness campaign to educate the public on the costs associated with refund anticipation loans, including the costs as compared to other forms of credit. The public awareness campaign shall be conducted in a manner that educates the public on making sound financial decisions with respect to refund anticipation loans. Amounts collected from the imposition of penalties on refund loan facilitators shall be directed to the IRS for the administration of the public awareness campaign.

Effective date. The proposal is effective on the date of enactment.

(5) TAXPAYER ACCESS TO FINANCIAL INSTITUTIONS

Present Law. A large number of individual taxpayers do not have bank accounts. Because of this, these taxpayers are unable to participate fully in electronic filing, because IRS cannot electronically transmit to them their tax refunds.

Reasons for Change. Effectiveness of tax incentives and assistance programs are diminished when individuals do not have an account at a financial institution. For example, the benefits received through the Earned Income Tax Credit incentive diminishes when taxpayers redirect their tax refund in exchange for a refund anticipation loan. In contrast, if such taxpayers had an account at an insured financial institution, such tax refund could be directly deposited into the taxpayer's account without a reduction for fees paid to a refund anticipation loan facilitator.

Between 25 and 56 million adults do not have an account with an insured financial institution. These individuals rely on alternative financial service providers to cash checks, pay bills, send remittances, and obtain credit. Many of these individuals are low- and moderate-income families. Promoting the establishment of accounts with an insured financial institution will allow the taxpayer to keep more of his or her tax refund and encourage savings.

Description of Proposal. The proposal authorizes the Secretary of the Department of the Treasury to award demonstration project grants (totaling up to \$10 million) to eligible entities to provide tax preparation assistance in connection with establishing an account in a federally insured depository institution for individuals that do not have such an account. Entities eligible to receive grants are: tax-exempt organizations described in section 501(c)(3), federally insured depository institutions, State or local governmental agencies, community development financial institutions, Indian tribal organizations, Alaska native corporations, native Hawaiian organizations, and labor organizations.

The provision requires the Secretary, in consultation with the National Taxpayer Advocate, to study the delivery of tax refunds through debit cards or other electronic means, in addition to those methods presently available. The purpose of the study is to assist those individuals who do not have access to financial accounts or institutions to obtain access to their tax refunds. The Secretary shall submit a report to Congress with the results of the study not later than one year after the date of enactment.

Effective Date. The proposal is effective on the date of enactment.

(6) USE OF PRACTITIONER FEES

Present Law. The Tax Court is authorized to impose on practitioners admitted to practice before the Tax Court a fee of up to \$30 per year. These fees are to be used to employ independent counsel to pursue disciplinary matters.

Explanation of Provision. The provision provides that Tax Court fees imposed on practitioners also are available to provide services to pro se taxpayers who may not be familiar with Tax Court procedures and applicable legal requirements. Fees may be used for education programs for pro se taxpayers.

Effective Date. The provision is effective on the date of enactment.

ADDITIONAL STATEMENTS

TRIBUTE TO FIRST MISSIONARY BAPTIST CHURCH OF LITTLE ROCK

• **Mrs. LINCOLN.** Mr. President, I rise today to honor one of the oldest houses of worship in Arkansas. This month the First Missionary Baptist Church of Little Rock, AR, will celebrate its 160th anniversary.

The First Missionary Baptist Church was founded in 1845 by Wilson Brown, a slave, who felt led by God to establish a house of worship. In order to fully understand this remarkable achievement we must look at the era in which this church was founded.

First Missionary Baptist Church was established 15 years before the Civil War began and 18 years before the Emancipation Proclamation. Men and women of African descent during those times were viewed as property and had no legal rights. It certainly took courage and vision to establish a church under such circumstances.

Over the years, the First Missionary Baptist Church family has been a witness to history. Many important figures of the civil rights movement have stood in First Missionary's pulpit to deliver stirring messages.

Reverend Roland Smith, the church's fifth pastor, was active in the civil rights movement and invited powerful leaders such as Dr. Benjamin Elijah Mays and Dr. Martin Luther King, Jr. to speak from the pulpit. Dr. King spoke in April 1963, just 4 months before the "March on Washington", and his famous "I have a dream" speech. The podium and bible he used that day are still on display in the vestibule of the church sanctuary.

In 1991, the church hosted another great leader, the Governor of Arkansas Bill Clinton. A few short months later Gov. Clinton launched his bid to become President of the United States. I guess you might say that the pulpit at First Missionary Baptist Church is a launching pad to greatness.

Although First Missionary Baptist Church has great historical significance, its spiritual significance is most important. For 160 years, this church has been a beacon of hope and a spiritual oasis to thousands of Arkansans. This church has worked hard to fulfill the calling of Christ spoken of in the 4th chapter of Luke—to preach the gospel to the poor; to heal the brokenhearted; to preach deliverance to the captives; and recovering of sight to the blind; to set at liberty them that are bruised, to preach the acceptable year of the Lord. In the end, that is First Missionary Baptist Church's greatest legacy. •

ONCOLOGY NURSING SOCIETY

• **Mrs. FEINSTEIN.** Mr. President, I rise today to pay tribute to oncology nurses. May 1 marks the beginning of the 10th annual Oncology Nursing Day and Month and this year marks the